

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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APOTEX, INC.,

Plaintiff,

v.

CEPHALON, INC., et al.,

Defendants.

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CIVIL ACTION

No. 2:06-cv-2768

**ORDER AND JUDGMENT**

**AND NOW**, this 31st day of October, 2011, following a bench trial, and after careful review of the parties' briefs, for the reasons set out in the Memorandum Opinion filed this day, it is hereby **ORDERED** that:

1. Defendant Cephalon, Inc.'s "Motion for Judgment on Partial Findings" (Doc. No. 449) is **DENIED**;
2. United States Reissue Patent Number RE 37,516 is declared **INVALID** and **UNENFORCEABLE**.
3. Judgment is entered in favor of Plaintiff, Apotex, Inc., as to Counts I and II of the Second Amended Complaint (Doc. 195).

**BY THE COURT:**

/s/ Mitchell S. Goldberg

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**MITCHELL S. GOLDBERG, J.**